

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

To either of the constables of the Town of Pepperell, in said county,

GREETINGS:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the inhabitants of said Town qualified according to law to vote in state, county, district and town affairs to assemble at the NISSITISSIT MIDDLE SCHOOL, in said Town, on Monday, the 26th of October, A.D. 2009 at 7:30 PM to act on the following articles:

SPECIAL TOWN MEETING

October 26, 2009

ARTICLE 1

By: Treasurer-Collector

ACCEPTANCE OF PROPERTY

To see if the Town will vote to accept a deed to the Town of Pepperell of a parcel of land at 189 Brookline Street, containing approximately 1.8 acres, shown on Assessors' Map 3 as Parcel 44, which is subject to a tax taking held by the Treasurer for unpaid 1996 taxes from Kimberly Murphy and any other owner thereof in lieu of foreclosure, in compliance with MGL Chapter 60, s. 77C; or take any other action relative thereto.

This article will allow the Town of Pepperell to avoid a costly land court foreclosure procedure by accepting this parcel from the owners, in lieu of foreclosure.

Recommended by Finance Committee. [Passed by unanimous voice vote]

ARTICLE 2

By: Board of Fire Engineers

BY-LAW ADOPTION – Open Burning

To see if the Town will vote to adopt the following new by-Law:

OPEN BURNING

Section 1: No person shall ~~set, maintain, or increase a fire~~ burn trash, brush, or other debris in the open air at any time, except by permit legally issued by the Pepperell Fire Department. **[Vote to amend motion as above passed by a margin of yeas 80, nays 37]**

Section 2: Any person acting in violation of Section 1, including any violation of any condition or restriction contained within a permit lawfully issued under said section, may be penalized by a fine of \$50 for the first violation, \$100 for the second violation, and \$150 for the third and subsequent violations in any calendar year; such penalties shall be imposed as provided under the Town's Non-criminal Disposition By-law.

and, further, to amend the Non-criminal Disposition By-law, by adding, at the end of the list of violation categories therein, the following new category:

Open Burning Violation	Fire Chief or designee	\$50 first offense
		\$100 second offense
		\$150 3 rd + offense

or take any other action relative thereto.

This article allows the Town to assign financial penalties for those who violate the Open Burning Bylaw. Recommended by Finance Committee. [Passed by a vote of yeas 75, nays 45]

ARTICLE 3

By: Board of Health

SUPPLEMENTAL APPROPRIATION

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of ~~\$8,256~~ \$4894 to provide for ~~20~~ 15 hours per week secretarial coverage for the Board of Health for the balance of FY 2010, or take any other action relative thereto.

This article allows the Board of Health to increase the hours of their secretary from 15 hours to 20 hours per week. Recommended by Finance Committee. [Failed by majority voice vote]

ARTICLE 4

By: Veterans' Agent

SUPPLEMENTAL APPROPRIATION

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$22,000 for the purpose of paying Veterans' benefits for the balance of FY 2010; or take any other action relative thereto.

This article provides necessary additional funding for the Veterans' Service Officer in order to meet Federal and State legal requirements. The Town receives up to 75% reimbursement for veterans' benefits. Recommended by Finance Committee. [Passed by unanimous voice vote]

ARTICLE 5

By: Board of Public Works

ACCEPTANCE OF EASEMENTS

To see if the Town will vote to accept temporary easements, required by the State in conjunction with the Mill Street Bridge Rehabilitation project, on the following Mill Street properties - executed full copies of said easements being on file in the office of the DPW Director/Town Engineer:

<u>OWNER</u>	<u>TITLE REFERENCE</u>
1. Sarah MacLellan and Margaret Berube	Book 14188, Page 501
2. David M. and Marcia L. Newell	Book 14706, page 485
3. Richard L. Byron	Book 51575, Page 464
4. Peter A. and Nan T. Quinn	Book 14744, Page 301;

or take any other action relative thereto.

The Mill Street Bridge Replacement Project (over the Nissitissit River) is being completely paid for by Mass Highway. The Town's only responsibility is to obtain the necessary easements for the new structure. Although the new bridge is basically on the same "footprint" as the existing one, features such as guard rails, drain outfalls, relocated utilities, and side slopes extend slightly beyond those of the current structure and require easements. Each of those abutters listed above have already signed easement agreements so all that remains is for the Town to "accept" them, after which the project will be advertised for construction.

Recommended by Finance Committee.

[Passed by unanimous voice vote]

ARTICLE 6

By: Board of Selectmen

PRIOR YEAR BILLS – ELECTRIC CHARGES

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$260.22 to pay unanticipated electrical administrative charges for various departments for FY 2009; or take any other action relative thereto.

This article allows the Town to pay unanticipated electrical administrative charges. Recommended by Finance Committee. [Passed by unanimous voice vote]

ARTICLE 7

By: Board of Selectmen

RESCIND BUDGET APPROPRIATIONS REPLACED BY OVERRIDE FUNDS

To see if the Town will vote to rescind:

- the \$14,387 budget appropriation made for the Council on Aging under Part V (“Human Services”) of the 2009 ATM;
- the \$36,378 budget appropriation made for the Lawrence Library under Part VI (“Culture & Recreation”) of the 2009 ATM; and
- the \$5,000 budget appropriation made for the Community Center under Part VI (“Culture & Recreation”) of the 2009 ATM;

or take any other action relative thereto.

This article seeks to place the 1/12 funding voted at the Spring Town Meeting for the Council on Aging, Library and Community Center, back into the General Fund, since the over-ride to fund these departments was passed. Recommended by Finance Committee. [Passed by unanimous voice vote]

ARTICLE 8

By: Chief of Police

TRANSFER OF FUNDS – POLICE DEPARTMENT

To see if the Town will vote to transfer the sum of \$2,613.60 from “Wages Hourly” to “Educational Incentive;” or take any other action relative thereto.

This is to meet a contractual obligation for a patrol officer with an Associates’ Degree. Recommended by Finance Committee. [Passed by unanimous voice vote]

ARTICLE 9

By: Board of Selectmen

STREET ACCEPTANCE – VILLAGE ROAD AND POND CIRCLE

To see if the Town will vote to accept and maintain as public ways the layouts of Village Road and Pond Circle as shown on a plan entitled “Street Acceptance Plan, Village Road & Pond Circle” prepared for Albert Patenaude & Louis Berube, Pepperell, MA by Cornerstone Land Consultants, Inc., dated September 11, 2009, and on file with the Town Clerk; or take any other action relative thereto.

Village Road and Pond Circle have been designed and constructed in accordance with the Town’s subdivision standards, confirmed by inspections done by the Town Engineer and Highway Superintendent, both of whom recommend acceptance. [Passed by unanimous voice vote]

ARTICLE 10

By: Town Clerk

SUPPLEMENTAL APPROPRIATION – ELECTIONS

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$6,700, to conduct the two additional elections required by the State in FY 2010; or take any other action relative thereto.

*This article seeks to fund Pepperell's expenses for the State mandated Senate election in January. Recommended by Finance Committee. **[Passed by unanimous voice vote]***

ARTICLE 11

By: Board of Selectmen

SUPPLEMENTAL APPROPRIATION

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$28,363 to implement a contractual agreement entered into between the Town and the Town Accountant; or take any other action relative thereto.

*This article will enable the Town to fund contractual obligations between the Town Accountant and the Town of Pepperell, and increases the annual salary for FY 2010 by \$6,000. At the ATM, this salary was reduced by \$6,000. Finance Committee recommends \$22,363. **[Finance Committee Amendment to reduce amount to \$22,363 failed by majority voice vote. Article 11 for the full amount passed by majority voice vote.]***

ARTICLE 12

By: Board of Assessors, GIS Committee, Fire Department, Planning Board, Police Department

STREET NUMBERING BY-LAW

To see if the Town will vote to delete Article II (“Street Numbering”) of Chapter 152 (“Streets and Sidewalks”) of the Code of Pepperell, and to adopt the following new By-law:

STREET NUMBERING

Section I: Regulation and Authority

1. The Town of Pepperell, pursuant to the authority of MGL, Ch. 40, s. 21 (10) and consistent with the requirements of MGL Ch. 148, s. 59, requires that all dwellings, public buildings and structures used a place of business or gathering shall be identified by their assigned street numbers, as determined by the Board of Assessors.
2. The Board of Assessors shall assign a number or numbers to each parcel of land abutting an accepted public way, as defined in MGL Ch.41, s. 81L. The Board shall be further authorized to direct the correction of any street number or street address being displayed or used without the approval of the Board of Assessors, or in contradiction of any term of this By-law.

- a. **Private Ways and Common Drives**

The Board of Assessors shall assign street numbers on a new private way or so-called common drive, in accordance with the provisions of Section 6250 of the Zoning By-law.

The Board of Assessors shall also assign street numbers on any existing private way or common drive, and direct compliance with same.

b. Subdivisions

Any applicant under the Subdivision Control Law (MGL Ch. 61, ss 81K – 81GG) shall have the Board of Assessors assign street numbers to lots fronting on a proposed way or street.

Section II: Specifications for Numbering

1. Placement

The primary location for placement of numbers shall be in a conspicuous place on that portion of the building plainly visible from the street which abuts the main entrance to the property. In a situation wherein a building or structure is not plainly visible from such street, a number shall not only be placed on the subject building, but a number shall also be displayed in a secure manner at or near the street entrance to the subject premises, being placed at least three (3) feet above the ground, on a suitable post or object situated not more than twenty (20) feet from the edge of the travelled way. The use of trees or other vegetation, mail boxes, or light poles as posts or supports is not acceptable. Numbers shall be displayed on both sides of the supporting object, so as to be visible from either direction of travel.

In the case of buildings and dwellings situated on a private way or common drive, in addition to numbers on the structures themselves, signage shall also be provided, conformable to Section 6227 of the Zoning By-law. In Multifamily Developments, signage shall also be provided, conformable to Section 7329 of the Zoning By-law.

2. Specifications for Numbers

Numbers shall be not less than three (3) inches in height, and shall be of a contrasting color to the surface on which they are attached. Brass numbers mounted on a neutral or weathered surface are prohibited. Numbers shall be prominently displayed on the building in such a manner as to be easily seen from the street without difficulty. Street numbers spelled out in words, or posted in script are not acceptable.

Section III: Compliance

Responsibilities

It shall be the responsibility of each property owner to obtain their correct street number from the Board of Assessor. Under no circumstances shall a street number other than that which is properly assigned, be displayed.

It shall be the responsibility of each owner and/or occupant to maintain proper display of their assigned street number, in conformity with Section II-1.

New structures must have their assigned number properly displayed prior to occupancy of the premises.

Section IV: Enforcement

1. Time of Implementation

Enforcement of this By-law shall commence ninety (90) days from its approval by the Attorney General, and its subsequent public advertisement.

2. Enforcing Authority

This By-law may be enforced by the Fire Chief or his designee(s), the Police Chief or his designee(s), or the Building Inspector. Enforcement of the directives of the Board of Assessors, as provided in Section I-2, shall be provided by the Building Inspector.

3. Procedure and Penalties

Upon discovery of a violation of any provision of this By-law, written notice of the violation shall be given to the violator. After thirty (30) days, if the violation remains uncorrected, a ticket shall issue, inclusive of a \$25 fine; after a further thirty (30) days of non-correction of the violation, a second ticket will issue inclusive of a \$50 fine, which fine amount will carry forward for all further citations.

All citations for violations of this By-law shall be processed under the Town’s Non-Criminal Disposition By-law.

And further, to amend the Town’s Non-Criminal Disposition By-law by adding, at the end of the list of violations, the following new language:

Street Numbering By-law	Fire Chief or designee(s)	1 st offense: warning
	Building Inspector	2 nd offense: \$25
	Police Chief or designee(s)	3 rd + offense: \$50

or take any other action relative thereto.

*When responding to emergency calls, it can sometimes it takes several minutes to find proper addresses. This article will aid in the assignment and usage of appropriate street numbers. Recommended by Finance Committee. **[Passed by unanimous voice vote]***

ARTICLE 13

By: Finance Committee

BUDGET ADJUSTMENTS

To see if the Town will vote to make adjustment(s) to any FY 2010 departmental budgets voted at the 2009 Annual Town Meeting;

- Transfer the sum of \$10,000 from Article 5 Nashoba Valley Technical High School Assessment to Article 3 Part 1 Legal Account
- Reduce the appropriation of Article 3 Part X Sewer Enterprise Fund Revenue by the sum of \$126,550 and increase the appropriation from Sewer Betterment Fund by \$100,000 and appropriate \$26,550 from Sewer Enterprise Fund Free Cash
- Reduce the appropriation of Article 3 Part XI Water Enterprise Fund Revenue by the sum of \$46,249 and increase the appropriation from Water Enterprise Fund Free Cash by the sum of \$46,249
- Reduce the appropriation of Article 3 Part XII Transfer Station Enterprise Fund Revenue by the sum of \$40,000 and increase the appropriation from Transfer Station Enterprise Fund Free Cash by the sum of \$40,000
- Reduce the appropriation under Article 3 Other Town Buildings by \$5,000

or take any other actions relative thereto.

This article seeks to transfer funds from the Nashoba Valley Technical High School Budget (savings were realized from a recent reduced reassessment) into the Legal Account; to change the funding sources for the Enterprise Funds from Estimated Revenue to available funding

sources, and to reduce the budget for Other Town Buildings by \$5,000. Recommended by Finance Committee. **[Passed by unanimous voice vote]**

ARTICLE 14

By: Board of Selectmen

PETER FITZPATRICK SCHOOL COSTS

To see what sum of money the Town will vote to raise and appropriate or appropriate from available funds for the purpose of securing, maintaining, or “mothballing” the Peter Fitzpatrick school building for the balance of FY 2010; or take any other action relative thereto.

*No action will be taken on this article, as the North Middlesex Regional School District will maintain control of the Peter Fitzpatrick School. **[Motion to take no action passed by unanimous voice vote]***

ARTICLE 15

By: Board of Public Works

SUPPLEMENTAL APPRIOPRIATION

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$16,695 to restore twenty-four (24) hours of service time to the Highway budget; or take any other action relative thereto.

*Part of the reason for this supplemental appropriation was to provide maintenance support for the Peter Fitzpatrick School. No action will be taken on this article, as the North Middlesex Regional School District will maintain control of the Peter Fitzpatrick School. **[Motion to take no action passed by unanimous voice vote]***

And you will serve this warrant by posting a true and attested copy of same, in said Town, fourteen days prior to the time of said meeting. Hereof fail not and make due return of your doings herein to the Town Clerk on or before the time appointed for said meeting. Given under our hands this 9th day of October, A.D. 2009.

Joseph A. Sergi, Chairman

Patrick J. McNabb, Clerk

Joseph M. Hallisey

PEPPERELL BOARD OF SELECTMEN

CONSTABLE OF PEPPERELL